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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,540	01/16/2002	Gavriel J. Iddan	P-2752-US	1800
49443 7590 04/16/2008 Pearl Cohen Zedek Latzer, LLP 1500 Broadway 12th Floor New York, NY 10036				
EXAMINER FOREMAN, JONATHAN M				
ART UNIT		PAPER NUMBER		
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04/16/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/046,540

Applicant(s)

IDDAN, GAVRIEL J.

Examiner

JONATHAN ML FOREMAN

Art Unit

3736

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-89 is/are pending in the application.
- 4a) Of the above claim(s) 18-87 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 73-77, 88 and 89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

New grounds of rejection are contained within this Office Action. Accordingly this action has been made Non-Final.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 73 – 75, 77 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,330,464 to Colvin, Jr. et al. in view of JP 05200015 to Ueda et al.

In regards to claims 73 – 75, 77 and 88, Colvin, Jr. et al. disclose admitting a first endoluminal sample in an interaction chamber (14', 14), the chamber includes an indicator immobilized thereon for reacting with an endo-luminal sample resulting in an optical change (Col. 6, lines 26 - 56), the reaction occurring in the interaction chamber. Colvin, Jr. et al. disclose illuminating the interaction surface and imaging the optical changes in the interaction surface with an optical system (See Abstract). The interaction surface is transparent in the wavelength of illumination (Col. 7, lines 24 – 40). However, Colvin, Jr. et al. fails to disclose pumping the sample through a first opening into the interaction chamber, discharging the sample through a second opening and replacing the sample with a new sample. Ueda et al. discloses a method for determining body lumen conditions including pumping a sample through a first opening (4) into an interaction chamber, discharging the sample through a second opening (5) and replacing the sample with a new sample [0024]-[0029]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to

modify the interaction chamber as disclosed by Colvin, Jr. et al. to include an interaction chamber in relation to a first and second opening as taught by Ueda et al. in order to help protect the indicator and to allow for a series of samples to be collected and measured. Furthermore, the claims would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of one skilled in the art. It would have been obvious to one having ordinary skill in the art at the time of the invention to apply the technique of collecting a sample within chamber through a first opening and discharging the sample through a second opening as taught by Ueda et al. to improve the method of determining body lumen conditions of Colvin, Jr. et al. for the predictable result of protecting the indicator on the interaction surface.

3. Claims 76 and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,330,464 to Colvin, Jr. et al. in view of JP 05200015 to Ueda et al. as applied to claim 88 above, and further in view of U.S. Patent No. 5,604,531 to Iddan et al.

In regard to claims 76 and 89, Colvin, Jr. et al. in view of Ueda et al. fail to disclose capturing an image of a gastrointestinal wall and transmitting the images to an external receiver. Iddan et al. teach imaging a gastrointestinal wall and transmitting the images to an external receiver (See Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method disclosed by Colvin, Jr. et al. in view of Ueda et al. to include imaging a gastrointestinal wall and transmitting the images to an external receiver in order to allow a physician to view the gastrointestinal tract in order to diagnose ailments therein.

Response to Arguments

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN ML FOREMAN whose telephone number is (571)272-4724. The examiner can normally be reached on Monday - Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571)272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. M. F./
Examiner, Art Unit 3736

/Max Hindenburg/
Supervisory Patent Examiner, Art Unit 3736